

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEREEM DREVON WHEELER,

Plaintiffs,

-against-

Commissioner **DAVID HANSELL**,
Director **WILLIAM WEISBERG**,
Counselor **Ms. SIMMONS**, Supervisor
Ms. PINE, in their official and individual
capacities,

Defendants.
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ANN M. DONNELLY, United States District Judge:

NOT FOR PUBLICATION

MEMORANDUM AND ORDER
19-CV-5587 (AMD) (RML)

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ OCT 9 2019 ★

BROOKLYN OFFICE

On October 1, 2019, the *pro se* plaintiff, Jereem Drevon Wheeler, filed this Section 1983 action alleging that he was stabbed five times on November 20, 2017, while he was in the custody of the New York City Administration of Children's Services. For the reasons discussed below, the Court grants the plaintiff's request to waive the filing fee for the purpose of this Order, and directs the plaintiff to obtain legal counsel within 60 days from the date of this Order.

The plaintiff states that he is 17 years old.¹ (ECF No. 1 § 10.) Although parties to a litigation may "plead and conduct their own cases personally," *see* 28 U.S.C. § 1654, a minor cannot represent himself. "The choice to appear *pro se* is not a true choice for minors who under state law cannot determine their own legal actions." *Cheung v. Youth Orchestra Found. of Buffalo, Inc.*, 906 F.2d 59, 61 (2d Cir. 1990) (internal citation omitted). Because the plaintiff is still a minor under New York law, *see* N.Y. Dom. Rel. Law § 2 (McKinney), he must obtain legal counsel in order to proceed with this action.

¹ The plaintiff does not provide his date of birth so it is unclear when he will be 18 years old.

The plaintiff has 60 days from the date of this Order to find legal counsel. The plaintiff may consult with the City Bar Justice Center's Federal Pro Se Legal Assistance Project for limited-scope legal assistance at 212-382-4729. If the plaintiff cannot obtain counsel within 60 days, he may write to the Court to seek to delay the case until he is 18 years old (at which time he must also provide his date of birth).

All further proceedings are stayed for 60 days. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
October 9, 2019